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Janet Napolitano and the New Third Way

Arizona's governor has contained Republicans, reinvigorated Democrats, and provided a new model for progressive politics in the West.

BY DANA GOLDSTEIN

By all accounts, Gov. Janet Napolitano of Arizona agonized over the decision of whom to endorse in this year's presidential primary. Sure, the choice was fraught for most Democratic politicians who built their careers during the 1990s. But not every politician worked on Bill Clinton's campaign in 1992, or owes her subsequent career to a Clinton appointment. Not every politician is one of just eight female governors in the nation, making her acutely aware of the symbolic power of a woman coming in reach of the presidency. And not every politician's endorsement was so highly coveted, due to her leadership of a conservative state in a swing region seen as key to a Democratic victory in November.

In short, Napolitano was under a lot of pressure. Nevertheless, on Jan. 11, a few weeks ahead of Arizona's Super Tuesday primary, she announced her support for Barack Obama, citing his ability to attract independent voters and his appeal to national unity. For those who'd been tracking Napolitano's rhetoric and career, the move didn't come as too much of a shock, despite her Clinton connections. Napolitano has been dropping buzzwords like "unity," "compromise," and "nonpartisanship" since her first campaign for attorney general in 1998—years before a young Illinois state senator burst onto the political scene.

Napolitano's rhetoric—and governing style—has proved both successful and wildly popular. Today, it is almost impossible to find an Arizona progressive with a bad word to say about her, though it hasn't always been that way. In 2002, the local alt-weekly, the *Phoenix New Times*, dubbed Napolitano a "poster blob for milquetoast party apparatchiks" and even "a neutered Republican." Longtime Latino community activist and former state Sen. Alfredo Gutierrez, who ran against Napolitano in the Democratic gubernatorial primary, hit her from the left, painting her as little more than an ambitious outsider who'd sold out on the death penalty and immigrants' rights. When Napolitano won the election, as expected, and during her first term sent National Guardsmen to the border—a policy later adopted by the Bush administration—Gutierrez called the decision "an insulting political ploy" and declared the governor "a coward."

But by 2006, as Napolitano faced re-election, Gutierrez was calling her "an extraordinary political figure" with "an amazingly accurate calculus politically." Meanwhile, the *New Times* named her "Best Politician," writing, "Whenever we criticize her at a cocktail party, longtime Lefty Arizonans (yes, there are one or two) chime in: 'But you should've been here in the past—she's so much better than anybody else we've ever had as governor!'" Progressives had come to appreciate Napolitano's skill at achieving what was possible, while beating back the hardest right initiatives of the state legislature's Republican majority.

Arizona's political climate is harshly conservative on issues such as immigration, taxes, and the death penalty. Even moderate Republicans say they feel stymied by the right. For years, liberals defended what little turf they could, racking up a string of electoral losses in the process. Now Arizona progressives have learned, sometimes the hard way, that Janet Napolitano may be the best advocate for sense and sensibility in a political generation.

This is a woman who has climbed Mt. Kilimanjaro and survived breast cancer. She cracks herself up by quoting Monty Python. (Indeed, she's constantly smiling and laughing, from giggles to deep belly laughs to ironical gasps.) She is a powerful, self-possessed speaker, so it's surprising to discover she's only 5-foot-4. Napolitano likes to joke about being old, but in reality, at 50 she is young for a governor, with much of her political future ahead of her. It is a future about which her aides and associates are happy to gossip but which she dances around discussing herself. When asked what Cabinet positions might interest her, or whether she's eyeing John McCain's Senate seat, she repeats over and over, "I like being governor. It's a great job."

Napolitano is Arizona's first Democratic governor to be re-elected in a quarter-century. When she entered office, Republicans controlled both houses of the state legislature. They still do, but their majority has dwindled to six seats in the House and four in the Senate, and they are at risk of losing control entirely this November. What's more, Napolitano hasn't just played smart politics, she's made real strides in passing progressive policies. Improbably, she has managed to contain Arizona's far right, co-opt the business community, *and* pacify the left. Does

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that make her a centrist law-and-order type, or a bleeding-heart liberal forced to moderate because of the anti-tax, libertarian climate in which she's built her career? If you ask Arizona progressives, they might tell you the answer doesn't matter.

NAPOLITANO IS BOTH wonky and charismatic. When she's ticking off the details of her new children's health insurance proposal, she reminds you of Hillary Clinton—except you don't get the sense Napolitano has had to practice to come off as funny or natural in public. During a Cabinet meeting in a dim, windowless room in Arizona's state executive office tower, she easily keeps a room of 60 people entertained. "The official Arizona quarter is about to be minted," she announces and then waits a beat. "A little more enthusiasm, please!" she shouts, smiling wryly. "I will be going to the mint in Denver to strike the first coin. And given that we still have a deficit, I hope to bring a lot of the mint back with me."

Though Napolitano successfully turned a $1 billion deficit into a surplus during her first term, the state is back in the red this year, putting the conservative opposition in no mood to create new programs. Nevertheless, Napolitano is engaged in an ongoing battle with the state legislature to make more low- and middle-income children eligible for public health insurance. She is also trying to convince Arizonans to approve an increase in the sales tax in order to fund new transportation infrastructure, including a light rail line connecting Tucson, Phoenix, and Flagstaff. The balancing act between big policy proposals and stubborn budgetary restrictions is one with which Napolitano is familiar; her governing record is full of tit-for-tat deals that ensured many of her priorities were pushed through. By exempting developers from contributing to costs for new roads, for example, Napolitano has persuaded the homebuilder's association, Arizona's most powerful industry lobby and a traditional foe of mass transit, not only to support her transportation initiative but to kick in $100,000 toward advertisements convincing voters to approve it.

Napolitano has taken a similar tack on education. She managed to enact universal, full-day kindergarten in 2004 by pairing the program with conservative-friendly tax cuts. In order to secure a $100 million pay raise for K-12 teachers, she gave in to Republican demands for a $5 million private school voucher program for special-ed students, a deal she calls one of her biggest concessions. "I don't like vouchers," she says with typical bluntness.

But for every compromise, there are times when Napolitano put her foot down hard and fast. On the environment, she enrolled Arizona in a Western Climate Initiative that seeks to impose a regional cap-and-trade system on carbon emissions. She has also exercised her veto power more often than any governor in Arizona's history; state Republicans have bestowed upon her the moniker "Governor No." She nixed legislation that would have made it a crime for day laborers to look for work on public streets, and in May she pulled $1.6 million that Maricopa County police were using to conduct immigration raids in the Latino community. Being the savvy operator and former attorney general that she is, Napolitano immediately announced she was reinvesting the funds in a program to track down at-large fugitives. And although she signed one of the most restrictive anti-immigration bills in the country, an employer sanctions law that enforces stiff penalties for hiring undocumented workers, she did so in large part to prevent Republicans from placing an even more punishing measure on the state's November ballot.

Napolitano is avowedly pro-choice and has earned the support of many Arizona pro-choice Republican women, including a few who've worked for her campaigns. One of her first acts as governor was changing the name of Arizona's "Squaw Peak" to "Piestewa Peak" after Lori Piestewa, a 23-year-old Arizonan of Hopi descent who, in 2003, became the first Native American woman killed in foreign combat. (Many Native Americans consider the term "squaw" a sexist slur.) And Napolitano worked

to increase the number of homeless-shelter beds available to victims of domestic violence and their children.

It's no wonder Arizona Democrats are generally upbeat. Longtime Arizona politico Fred DuVal, who was a senior staffer for former Gov. Bruce Babbitt and head of intergovernmental affairs in the Clinton White House, says, "I cannot underline this enthusiasm enough. Under Napolitano, Arizona Democrats went from being a below-average political party to being arguably one of the two or three strongest in the country."

Like another famous Arizona politician, John McCain, Napolitano seems to revel in rejecting labels, even as she hews to a mostly partisan agenda. When asked if she considers herself a feminist politician—she did after all, come onto the national political stage as an attorney representing Anita Hill—Napolitano looks down at her hands and insists, "I just consider myself Janet." On criminal justice, she goes so far as to call herself conservative.

"I really resist lots of labels, because labels assume a whole package of characteristics and stereotypes," Napolitano tells me in her Phoenix office. "I think it's more of a sense of style, a recognition that there are good ideas held by people of both parties, of all parties." Napolitano represents a particular subset of Obama supporters, those who embraced the "third way" moderation of Clinton and the Democratic Leadership Council during the 1990s, but came to see Obama, not Hillary Clinton, as the inheritor of that legacy, updated to account for the ugly realities of the post–September 11 world. Other prominent figures in that group include another Southwestern governor, Bill Richardson, as well as Sen. Ben Nelson of Nebraska and former Sen. Sam Nunn of Georgia, an early Democratic Leadership Committee chair.

Jan Lesher, director of Arizona's Department of Commerce and a longtime Napolitano adviser, says, "The kinds of qualities that drew us to Bill Clinton 15 years ago are the kinds of qualities that draw Governor Napolitano to Obama."

Her positions on immigration may seem like measured compromises, but they are pretty far left by Arizona standards.

NAPOLITANO PRESENTS her political history as a series of fortunate coincidences, but others remember things differently. She arrived in Phoenix in 1983 for her first job out of law school as a clerk for Judge Mary Schroeder of the 9th Circuit Court of Appeals. "I called a professor of hers for a reference," Schroeder recalls of the 26-year-old Napolitano, "and he said she was a wonderful student, very smart, but there was one odd thing about her. He said, 'Well, she wants to be in Congress or something like that.' And I thought, 'Huh?' So I knew from that point that she had a yen for politics." Running for office, Schroeder says, has "frankly, always been on her mind."

Napolitano was born in New York City in 1957 but grew up in Albuquerque, where her father, an anatomy professor, was dean of the University of New Mexico Medical School. As a kid she played clarinet and in high school was voted most likely to succeed. She attended her father's alma mater, Santa Clara University in California, majoring in political science.

Foreshadowing a lifetime of outreach to Republicans, Napolitano's first post-college job was as an analyst for the Senate Budget Committee, where she reported to Sen. Pete Domenici, a New Mexican Republican and an acquaintance of her father's. She went on to law school at the University of Virginia and then landed her clerkship for Judge Schroeder, who remembers Napolitano as a gregarious people person who happily excelled at detail-oriented paperwork. "I thought that if someone likes people as much as she does and yet is able to get down to the nitty-gritty and crawl around in boxes of figures, she's an extraordinary person," Schroeder says.

After her judicial clerkship, Napolitano took another fortuitous step. She joined Lewis & Roca, Judge Schroeder's former Phoenix law firm, which has deep ties to Democratic politics and is well known for representing Ernesto Miranda, the accused rapist whose 1966 Supreme Court case established the rights of suspects to be apprised of their constitutional prerogatives. The firm's senior partner was John P. Frank, a former Yale professor and nationally recognized expert on Supreme Court appointments. It was Frank who got a call in October 1991 from Sen. Dennis DeConcini, an Arizona Democrat, asking if he'd be willing to represent Anita Hill as she testified before the Senate Judiciary Committee. Hill had accused top court nominee Clarence Thomas of a prolonged pattern of sordid sexual harassment. Frank agreed and asked Napolitano to assist him; she was put in charge of preparing the testimonies of Hill's supporting witnesses.

"The Judiciary Committee handled it very badly," Napolitano remembers of the "terrible" hearing in which Hill painfully described Thomas repeatedly speaking to her about pornography, bragging about his sexual prowess, and asking her out on dates, disregarding countless rejections. The male senators running the hearing seemed flummoxed as Thomas categorically denied all the charges and was eventually confirmed by a four-vote margin. Like several other prominent women in politics, Napolitano credits the episode with deepening her interest in public service. "It really did bring home how issues of women really didn't have an avenue to be heard at that time," she says.

The media attention surrounding the hearings raised Napolitano's profile as an up-and-coming young, female Democrat in a party looking to promote women's leadership. "Ever heard of Janet Napolitano?" asked syndicated columnist Ellen Goodman, who, in the aftermath of the hearings, promoted the idea of Napolitano challenging John McCain for his Senate seat. "Meet the PCTC, a Post Clarence Thomas Candidate." Napolitano didn't make that Senate run, but Bill Clinton appointed her U.S. attorney for Arizona shortly after he took office in 1993, despite her having no experience as a prosecutor. Her nomination was held up for almost a year, in large part because Senate

LARRY DOWNING / REUTERS / LANDOV

Republicans were still peeved that she had represented Hill.

It is a testament to Napolitano's political skill—and her luck—that her involvement in one of the most controversial feminist causes of the 1990s never seriously hamstrung her political aspirations. Her career since the Thomas hearings has been almost perfectly calibrated to play against feminine stereotypes. As U.S. attorney and, later, state attorney general, Napolitano built up law-and-order credibility and learned to appeal to Arizonans' libertarian sensibility, sometimes disappointing her progressive allies. She wasn't as aggressive as some would have liked, for example, in investigating the practices of a fundamentalist Mormon sect that practices polygamy and early marriage on the Arizona/Utah border. As attorney general, Napolitano also proved herself a strong advocate of

On The Front Line: Napolitano tours the border with President Bush, who has adopted some of her middle-of-the-road immigration policies.

the death penalty, despite research showing that Arizona is one of 10 states that has made serious errors in capital cases. During her first gubernatorial run, she even defended the state's death-penalty system in front of the Supreme Court. She lost. Arizona was told it couldn't issue death sentences unless trials were conducted in front of a jury, not just a judge.

But perhaps most fundamentally, Napolitano's years as a prosecutor allowed her to craft a middle-of-the-road approach on the issue that would come to overwhelm Arizona politics: immigration.

ARIZONA HAS A LOVE-HATE relationship with its foreign-born residents. For decades, school children were taught that their state's economy was built around the "Five Cs": copper, citrus, cattle, climate, and cotton. In the 1990s, as Arizona experienced a Wild West–like boom in population, a sixth was added: construction. Immigrant labor made this growth possible. During 2006 the border patrol apprehended 500,000 undocumented workers attempting to pass into Arizona, a state with a population of about 6 million. And those are just the folks who were caught.

Despite the Arizona economy's dependence on immigration, the Republican state legislature has fallen under the sway of nativists who garner significant public support. They've introduced a number of almost farcically radical anti-immigrant measures, including a bill asking the U.S. Congress to repeal the 14th Amendment (meaning children born in the United States to immigrant parents would not be granted citizenship) and a bill that would have prohibited American citizens from marrying non-citizens, regardless of their legal status.

In the face of such extremism, Napolitano—much like Barack Obama—has an uncanny ability to restate her opponents' beliefs, seemingly with sympathy, before explaining why she disagrees. "The numbers are just astounding," she says of the influx of undocumented workers into Arizona across the Mexican border. "And so Arizonans, they look around, and their emergency rooms are packed, and their class sizes are huge, and they see a federal government that has not seemed committed to protecting the border. They don't see an immigration law that really is enforced firmly and fairly, and they act accordingly."

What she means by "act accordingly" is that in November 2006, Arizona voters approved, by margins of 70 percent or more, four anti-immigrant ballot initiatives that Napolitano strongly opposed. They denied undocumented immigrants in-state tuition at public universities, adult education, publicly funded child care, bail, and the right to bring a civil lawsuit. They also approved a measure naming English the state's official language. Napolitano's view of how to deal with the immigration crisis is quite different: She hopes for comprehensive federal immigration reform along the lines of what was proposed by John McCain in 2007, providing the nation's 12 million undocumented workers with a path toward citizenship. She also supports a state guest-worker program.

These positions may seem like measured compromises, but they are pretty far left by Arizona standards. Despite Napolitano's efforts to restrain the legislature's nativist impulses, immigrant-rights activists see a state rife with educational, employment, and social discrimination against Spanish speakers. They worry the new employer-sanctions law will encourage businesses to make deals in which they turn undocumented workers in to the police in exchange for immunity. Napolitano's chief nemesis on this issue, Maricopa County Sheriff Joe Arpaio, is almost gleeful in his enthusiasm for raids and deportations in the Phoenix area, leading to charges of ethnic profiling. Arpaio rivals the governor as the most popular politician in the state. The Mayor of Phoenix, Phil Gordon, a Democrat who hopes to succeed Napolitano as governor, is currently the target of a recall effort organized by anti-immigration extremists. His primary offense? Questioning the right of police officers to ask people for their citizenship status during routine stops.

Considering these realities, Hector Yturralde, president of the Hispanic advocacy group SOMOS America/the We are America Coalition, acknowledges it wouldn't be realistic to hope for leadership much more progressive than Napolitano's. "Janet, being the right lady that she is, vetoes the most ven-

omous bills that she knows are going to cause turmoil in the community here," he says.

Napolitano angered conservatives when she swore she wouldn't allow voters' approval of the 2006 anti-immigrant ballot initiatives to change the way she deals with the issue. Anti-immigration blogger Dan Amato fumed, "How arrogant can you be that you simply write off 70 percent plus of your residents?" But despite Napolitano's rejection of dozens of anti-immigrant measures, she has remained incredibly popular among a strongly anti-immigration electorate. She enjoys a 76 percent approval rating.

OF COURSE, NAPOLITANO'S triumphs coincide with the national growth of the Democratic Party, which some attribute more to the bankruptcies of George W. Bush's leadership than to the skills of Democratic politicians. In part because of the GOP's inability to lead on immigration reform, the Republican Party has especially lost stock in the Southwest, a swing region that demographic experts say could gift decisive electoral college votes to the Democratic presidential nominee this November. That expectation, too, has raised Napolitano's profile and contributed to what her detractors say is an overblown reputation.

"She is fairly risk averse and has a don't-rock-the-boat leadership style. When the economy is doing well, as it was here in Arizona, people feel like their leaders are doing a good job," says Darcy Olsen, president of the Goldwater Institute, a conservative Arizona think tank. "What's happening with the increased strength of the Democratic Party in Arizona really mirrors what's happening nationally. We haven't seen enough evidence here to think this is necessarily some kind of a permanent change in Arizona."

But many state Republicans admit that Napolitano has fundamentally changed the Arizona political game through her appeal to moderates, often playing the GOP's pro-business constituencies against its anti-immigrant elements. Moderate Republican state Rep. Jennifer Burns remembers wistfully, "I can still picture the Democratic governor with the Republican president, walking the border," referring to one of Napolitano's photo-ops with President Bush. Farrell Quinlan, a Republican media strategist and spokesman for Arizona Employers for Immigration Reform, wrote on his blog, "I don't relish the prospect of a continued strong Democratic Party effort up and down the Arizona ballot. But we Arizona Republicans have to come to terms with the fact that the days of pushover contests are over."

What happens next in Arizona politics depends in part on how Napolitano's political ambitions play out. It is clear that she is enticed by the idea of serving as attorney general in an Obama administration. Director of homeland security or secretary of the interior have also been mentioned as jobs that might intrigue her. When asked what she'd like to work on at the national level, Napolitano won't name a specific position, but she makes a hard sell for her law-enforcement experience. "I think at this stage, what I bring is that I've been an attorney general," she says. As U.S. attorney, Napolitano brags, her work on border-related crime forced her to make "big decisions that require judgment and attention." Like Hillary Clinton, Napolitano constantly emphasizes her experience, tenacity, and policy chops, often in a list-like deluge of information. It's the sort of self-justification you rarely hear from leading male politicians, and a reminder that accessible, modest femininity is almost impossible to display alongside overwhelming political talent and ambition.

Napolitano will be term limited out of her current job in January 2011, two years after the new president takes office. If she leaves for Washington, D.C., before then, Secretary of State Jan Brewer, a Republican, will become governor. For that reason, most observers believe that unless Napolitano wins her dream appointment as U.S. attorney general—and she has lots of potential competition, including John Edwards—she'll serve out her term. She is just too invested in the growth of Arizona's Democratic Party.

But there are other possible scenarios. If John McCain wins the White House, Napolitano would be able to appoint the Republican of her choice to fill his seat. She could choose someone loyal to her who would agree not to run as an incumbent in 2010, which would pave the way for an easy Napolitano victory should she set her sights on the Senate. Despite the ongoing buzz around Napolitano as a vice-presidential prospect, McCain's victory in the Republican primary poured water over hopes that Napolitano had a crucial role to play in the 2008 presidential race. Arizona is seen as a completely safe pick-up for McCain.

"We Arizona Republicans have to come to terms with the fact that the days of pushover contests are over," says one strategist.

What remains all but certain is that governor of Arizona won't be the last high-profile job held by the whip-smart, preternaturally political Janet Napolitano. One associate goes so far as to say Napolitano won't rest until she is the president of the United States. That said, many believe Napolitano's nontraditional personal life—she has never been married and has no children—would thwart her chance at even the vice presidency. But it seems unwise to count her out. After all, this is a woman who was on Anita Hill's legal team but managed to avoid being labeled a ball-busting feminist. A woman who can veto anti-immigration legislation and still remain immensely popular in what is perhaps the country's most anti-immigration state. A woman with the guts to ask voters to raise their own taxes when gas is costing more than $4 a gallon. And she's just getting started.

"Some things I haven't given up on," Napolitano says about the health-care and transportation policies she'd like to enact during her last 18 months in office, despite firm resistance. "What's that Monty Python line? 'Not did yet!'" Then she guffaws. **TAP**